IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 273 OF 1997.

The Commissioner of Income-tax ... Applicant.

V/s.

M/s Asia Foundations &
Constructions Ltd., Bombay. ... Respondent.

Shri Parag Vyas with Shri Ashok Kotangale and
A.S. Rao for the applicant.

Shri S.J. Mehta for the respondent.

CORAM : V.C.DAGA AND J.P. DEVADHAR, JJ.

DATED : 17.10.2005.

P.C. :

. By this reference under section 256(1) of the Income tax Act, 1961, the Income Tax Appellate Tribunal has referred the following substantial question of law for the opinion of this Court:

. "Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in upholding the order of CIT(A) allowing full investment allowance u/s 32A of the I.T. Act in respect of plant and machinery added during the previous year relevant to the asstt. year under consideration?"

. Learned Counsel for the parties agreed that the in view of the decision of this Court in the assessee's own case in Writ Petition No.227 of 1996, dated 9th February 1996, the question be remitted to the tribunal to decide afresh in the light of the directions contained in the said order.

. Accordingly, reference stands disposed of with no order as to costs.